

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



JTH TAX, INC. d/b/a LIBERTY TAX
SERVICE,

Plaintiff,

Civil No. 2:07 cv 154

v.

NIEN VAN,

Defendant.

Declaration of Rebecca Ross

Pursuant to 28 U.S.C. § 1746, I, Rebecca Ross, having personal knowledge of the facts herein state under oath as follows:

1. I am employed by JTH Tax, Inc. as a Corporate Paralegal at the Liberty Tax Corporate Headquarters in Virginia Beach and have held this position since May 2004.
2. One of my duties includes serving as the custodian of corporate legal documents such as franchise agreements for franchisees.
3. Nien Van ("Van") previously owned one Liberty Tax Service franchise which gave to Van the right to operate a Liberty Tax Service franchise using Liberty's proprietary trademarks and methods in specified territories in Aransas Pass, Texas.
4. Attached hereto as Exhibit 1 is a true and correct copy of the Franchise Agreement for this territory.
5. On March 16, 2007, I performed an internet telephone directory search of the phone number (361) 230-0226. Attached hereto as Exhibit 2 are true and correct copies

of these directories which list this phone number as "Liberty Tax Svc" located at 405 N Church Street, Rockport, Texas.

6. As the custodian of legal documents it is my knowledge that this office is an unapproved office as it is located within the Liberty franchise territory known as TX273 which is not currently owned by any franchisee. Attached hereto as Exhibit 3 is a true and correct copy of a map I retrieved from our mapping department which shows that 405 N Church Street, Rockport, Texas is within TX273.

7. On March 22, 2007, I performed another internet telephone directory search on the phone number (361) 758-5548. Attached hereto as Exhibit 4 are true and correct copies of these telephone directory listings which show that this phone number is listed as "Liberty Tax Service."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26th day of March 2007.



Rebecca Ross